

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

United States of America,

Case No.: 2:18-cr-00352-JAD-DJA-1

Plaintiff

**Order Denying Motion to Reduce Sentence
under Amendment 821**

v.

Jonalyn Quiliza-Santos,

[ECF No. 64]

Defendant

Defendant Jonalyn Quiliza-Santos is serving a ten-year sentence for distributing methamphetamine and being a felon in possession of a firearm. She moves for a sentence reduction based on recent changes to the sentencing guidelines known commonly as Amendment 821. Her counsel at the Federal Public Defender's office, appointed under General Order 2023-9, filed a notice of non-eligibility, disagreeing with Quiliza-Santos's pro se calculations.¹ Because Quiliza-Santos does not qualify for a sentence adjustment under these changes, I deny her motion.

Discussion

The Sentencing Commission submitted criminal-history amendments to Congress in May 2023, they took effect in November 2023, and courts may apply them retroactively beginning in February 2024.² In her pro se motion,³ Quiliza-Santos argues that she is entitled to a sentence reduction under the change added to the guidelines as § 4A1.1, which reduces the impact of "status points" on a sentence.⁴ Status points are additional criminal-history points applied to a

¹ ECF No. 67 (notice of non-eligibility).

² Sent'g Guidelines for U.S. Courts, 88 Fed. Reg. 60534, 60534 (Sept. 1, 2023).

³ ECF No. 466 at 5–6.

⁴ ECF No. 64.

1 defendant who committed her crime of conviction while under another criminal-justice sentence.
2 Because the Commission found that status points are less reliable indicators of rearrest, these
3 changes allow courts to depend less on status points to determine criminal history.⁵ A defendant
4 with seven or more criminal-history points may receive a one-point reduction in her status
5 points, while a defendant with six or fewer criminal-history points may have her status points
6 eliminated for committing her offenses while under a criminal-justice sentence.⁶ A court may
7 reduce a defendant's sentence based on this amendment if his "term of imprisonment [was]
8 based on a sentencing range that has subsequently been lowered by the Sentencing Commission
9 [under] 28 U.S.C. § 994(o) . . . after considering the factors set forth in section 3553(a) . . . if
10 such a reduction is consistent with applicable policy statements issued by the Sentencing
11 Commission."⁷

12 Quiliza-Santos contends that she is eligible for a sentence reduction based on this
13 amendment.⁸ She was sentenced with 14 criminal-history points, but as the government points
14 out in its response, no extra status points were added because she did not commit her current
15 offenses while under a criminal-justice sentence for her prior convictions.⁹ It's impossible to
16 reduce her status points under § 4A1.1 if she did not receive any. Her distribution-of-
17 methamphetamine charge also carries a mandatory minimum sentence of ten years, so this court

20 ⁵ *Id.* at 60535–36; *see also* U.S. Sent'g Comm'n, *Revisiting Status Points* (2022),
21 [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2022/20220628_Status.pdf)

22 ⁶ Sent'g Guidelines for U.S. Courts, 88 Fed. Reg. 60534, 60535 (Sept. 1, 2023).

23 ⁷ 18 U.S.C. § 3582(c)(2) (cleaned up).


⁸ ECF No. 64.

⁹ Presentencing Investigation Report at 15; ECF No. 67.

1 is statutorily prohibited from reducing her ten-year sentence any further.¹⁰ So because this
2 amendment does not apply to Quiliza-Santos, I deny her motion with prejudice.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Jonalyn Quiliza-Santos's motion for a sentence
5 reduction under Amendment 821 [ECF No. 64] is **DENIED** with prejudice.

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U.S. District Judge Jennifer A. Dorsey
8 April 12, 2024
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22 ¹⁰ See U.S. Sent'g Guidelines Manual § 1B1.10 cmt. 1(A) (U.S. Sent'g Comm'n 2023) (“[A]
23 reduction in the defendant's term of imprisonment is not authorized under 18 U.S.C. § 3582(c)(2)
and is not consistent with this policy statement if . . . [an] amendment does not have the effect of
lowering the defendant's applicable guideline range because of the operation of another
guideline or statutory provision (e.g., a statutory mandatory minimum term of imprisonment.”).